

House Bill 525

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated,
2 relating to the Georgia International and Maritime Trade Center, so as to dissolve the
3 Georgia International and Maritime Trade Center Authority; to rename the convention
4 center; to create the Savannah-Georgia Convention Center Authority; to provide for
5 legislative findings; to provide for definitions; to provide for its membership, manner of
6 appointment, terms of office, and powers and duties; to provide for exemption from taxation;
7 to provide for venue; to provide for disposition of property; to exempt its property from levy
8 and sale; to transfer certain assets and liabilities; to repeal certain laws; to provide for related
9 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the
13 Georgia International and Maritime Trade Center, is amended by designating the existing
14 Code sections as "Part 1" and adding a new part to read as follows:

15 "Part 2

16 50-7-55.

17 (a) It is declared that the Georgia International and Maritime Trade Center shall be
18 renamed the Savannah Convention Center to better reflect the purpose of the facility. It is
19 further declared that there exists in this state a need for a state public authority to operate
20 the Savannah Convention Center for the purpose of developing and promoting for the
21 public good the State of Georgia as a site for conventions, trade shows, and other tourism
22 and to facilitate economic growth, and without limiting the powers granted to the authority
23 by this part, the creation of the authority shall be and is declared to be for public and
24 governmental purposes, that is, for the promotion of meetings, conventions, and tourism

25 and other matters of economic development, growth, and commerce, and in an effort to
26 better the general condition of the people of this state.

27 (b) As used in this part, the term:

28 (1) 'Authority' means the Savannah-Georgia Convention Center Authority created by this
29 part.

30 (2) 'Project' or 'undertaking' shall be deemed to mean and include buildings and facilities
31 to be used for trade shows, conferences, amusements, or educational purposes and for
32 fairs, expositions, exhibitions, or marketing in connection therewith, together with all
33 other undertakings which may be acquired, constructed, equipped, maintained, or
34 operated by public authorities.

35 (c) There is created a body corporate and politic to be known as the Savannah-Georgia
36 Convention Center Authority, which shall be deemed to be a public corporation and
37 instrumentality of the state by that name, style, and title, and such body may contract and
38 be contracted with, sue and be sued, implead and be impleaded, and complain and defend
39 in all courts of law and equity. The authority shall have its principal office in Chatham
40 County, and its legal situs or residence for the purposes of this part shall be Chatham
41 County. It is found, determined, and declared that the creation of the authority and the
42 carrying out of its corporate purposes are in all respects for the benefit of the people of this
43 state and constitute a public purpose and that the authority will be performing an essential
44 governmental function in the exercise of the powers conferred upon it by this part. This
45 state covenants with the holders of any bonds issued by the authority that the authority shall
46 be required to pay no taxes or assessments upon any of the property acquired or leased by
47 it, or under its jurisdiction, control, possession, or supervision, or upon its activities in the
48 operation or maintenance of the buildings erected or acquired by it, or upon any fees,
49 rentals, or other charges received by the authority for the use of such buildings, or upon
50 other income received by the authority and that the authority shall be exempt from all sales
51 and use taxes. Further, this state covenants that bonds of the authority, their transfer, and
52 the income therefrom shall at all times be exempt from all taxation within the state.

53 (d)(1) The authority shall consist of the following membership:

54 (A) Six members shall be appointed by the Governor, each of whom shall have a vote;

55 (B) Three members shall be appointed by the Chatham County delegation of the
56 General Assembly, each of whom shall have a vote;

57 (C) The president of the Savannah Economic Development Authority, who shall serve
58 ex officio and shall have a vote; and

59 (D) The president of the Savannah Area Convention and Visitors' Bureau, who shall
60 serve ex officio and shall have a vote.

(2) Except for the ex officio members, the terms of all members shall be for three years. The initial members of the authority shall be appointed not later than June 1, 2019, and shall take office on July 1, 2019. The terms of office of the members of the Georgia International and Maritime Trade Center Authority created by Georgia Laws 1995, p. 4499, as amended, shall end on July 1, 2019. The initial members appointed by the Governor and the Chatham County legislative delegation shall each be assigned a term of office such that three members shall serve an initial term of one year, three members shall serve an initial term of two years, and three members shall serve an initial term of three years. Such members shall serve until each such member's respective successor is appointed and qualified.

(e) Vacancies on the authority by reason of expiration of term or otherwise shall be filled by the body or individual that appointed the member vacating the position.

(f) The authority shall have perpetual existence.

(g) The authority shall elect one of its members as chairperson and another as vice chairperson and shall also elect a secretary-treasurer, which offices shall act as an executive committee for the authority.

(h) Five members of the authority shall constitute a quorum, and no vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority at every meeting, and in every instance a majority vote of those present shall authorize any legal act of the authority, including all things necessary to authorize and issue revenue bonds.

(i) A member other than an ex officio member shall be removed from office for failure to perform the appropriate duties of membership. Without limitation, this may include a member's failure to attend more than three regularly scheduled meetings of the authority during any calendar year.

(j) The members shall not be entitled to compensation for their services but shall be entitled to and shall be reimbursed for their actual expenses properly incurred in the performance of their duties. The authority may make bylaws, rules, and regulations for its governance. The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all its obligations, contracts, transactions, and undertakings and of all income and receipts of every nature and all expenditures of every kind and shall provide for an annual independent audit of income and expenditures.

(k) The authority shall be subject to the provisions of Chapter 14 of this title, relating to open and public meetings.

(l) The authority shall prepare and submit to the Governor, the Board of Commissioners of Chatham County, the mayor and aldermen of the City of Savannah, and the Chatham

98 County delegation of the General Assembly an annual report at the end of each fiscal year
99 or calendar year of the authority outlining the work of the authority and furnishing the
100 results of its most recent annual independent audit of income and expenditures.

101 (m) The authority is authorized:

102 (1) To have a seal and alter the seal at its pleasure;

103 (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
104 personal property of every kind and character for its corporate purposes;

105 (3) To acquire in its own name by purchase, on such terms and conditions and in such
106 manner as it may deem proper, real property or rights of easements therein or franchises
107 necessary or convenient for its corporate purposes, to use the same so long as its
108 corporate existence shall continue, to lease or make contracts with respect to the use of
109 the same or to dispose of the same in any manner it deems to the best advantage of the
110 authority; and, if the authority shall deem it expedient to construct any property on any
111 lands, the title to which shall then be in the State of Georgia, the Governor is authorized
112 to convey for and on behalf of the state title to such lands to the authority upon payment
113 to the State of Georgia for the credit of the general fund of the state of the reasonable
114 value of such lands or upon the receipt of such lawful consideration as may be
115 determined by the parties to such conveyance. If the authority shall deem it expedient to
116 acquire and construct any project on any lands, the title to which shall then be in the
117 Board of Commissioners of Chatham County, the mayor and aldermen of the City of
118 Savannah, or any other municipality incorporated in such county, or the governing
119 authority or body of such county or any of the municipalities is authorized to convey title
120 to such lands to the authority upon the receipt of such lawful consideration as may be
121 determined by the parties to such conveyance or upon payment for the credit of the
122 general funds of such county or municipality of the reasonable value of such lands, such
123 value to be determined by the mutual consent of such county or municipality and the
124 authority or by an appraiser to be agreed upon by the governing authority or body of such
125 county or municipality and the chairperson of the authority;

126 (4) To select, appoint, and employ professional, administrative, clerical, or other
127 personnel and to contract for professional or other services and to allow suitable
128 compensation for such personnel and services;

129 (5) To make contracts and leases and to execute all instruments necessary or convenient,
130 including contracts for the acquisition and constructions of projects and leases of projects
131 or contracts with respect to the use and management of projects which it causes to be
132 erected or acquired, including contracts for acquiring, constructing, renting, managing,
133 and leasing of its projects for use of the State of Georgia or any of its departments,
134 agencies, or authorities, the Board of Commissioners of Chatham County, or the mayor

135 and aldermen of the City of Savannah, and to dispose by conveyance of its title in fee
136 simple of real and personal property of every kind and character, and any and all persons,
137 firms, and corporations and the state and any and all political subdivisions, departments,
138 institutions, or agencies of the state are authorized to enter into contracts, leases, or
139 agreements with the authority upon such terms and for such purposes as they deem
140 advisable; and, without limiting the generality of the above, authority is specifically
141 granted to municipal corporations and counties and to the authority to enter into contracts
142 and lease and sublease agreements with the State of Georgia or any agencies or
143 departments thereof and relative to any property which such department or other agency
144 or department of the State of Georgia has now or may hereafter obtain by lease from the
145 United States government or any agency or department thereof and the authority is
146 specifically authorized to convey title in fee simple to any and all of its lands and any
147 improvements thereon to any persons, firms, corporations, political subdivisions, the
148 State of Georgia, or the United States government, or any agency or department thereof;
149 (6) To acquire, construct, erect, own, repair, remodel, maintain, add to, extend, improve,
150 equip, operate, and manage projects, the cost of any such project to be paid in whole or
151 in part from the funds of the authority or Chatham County or the City of Savannah and
152 any grant from the State of Georgia, its departments, agencies, or authorities, or the
153 United States or any agency or instrumentality thereof;
154 (7) To accept grants of money or materials or property of any kind from the United
155 States or any agency or instrumentality thereof upon such terms and conditions as the
156 United States or such agency or instrumentality may impose;
157 (8) To accept grants of money or materials or property of any kind from the State of
158 Georgia or any department, agency, authority, or instrumentality or political subdivision
159 thereof, upon such terms and conditions as the State of Georgia or such department,
160 agency, authority, or instrumentality or political subdivision thereof may impose;
161 (9) To receive, accept, and utilize gifts, grants, donations, or contributions of money,
162 property, facilities, or services, with or without consideration, from any person, firm,
163 corporation, foundation, government, or other entity;
164 (10) To exercise any power which is usually possessed by private corporations
165 performing similar functions and which is not in conflict with the Constitution and laws
166 of this state;
167 (11) From time to time to sell, lease, grant, exchange, or otherwise dispose of any surplus
168 property, both real and personal, or interest therein not required in the normal operation
169 of the authority and not usable in the furtherance of the purposes for which the authority
170 was created;

171 (12) To advise the State of Georgia, its departments, agencies, or authorities, Chatham
172 County, and the mayor and aldermen of the City of Savannah on land acquisition,
173 facilities development, and other matters relating to the provision of convention and trade
174 opportunities for the coastal region of the state;

175 (13) To procure insurance against any loss in connection with property and other assets
176 of the authority;

177 (14) To exercise the power provided by Code Section 45-9-1 to procure policies of
178 liability insurance or contracts of indemnity or to formulate sound programs of
179 self-insurance to insure or indemnify members of the authority and its officers and
180 employees against personal liability for damages arising out of the performance of their
181 duties or in any way connected therewith to the extent that such members, officers, or
182 employees are not immune from such liability;

183 (15) To make contracts and to execute all instruments necessary or convenient in
184 connection therewith;

185 (16) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the
186 manner in which its business may be transacted and in which the power granted to it may
187 be enjoyed as the authority may deem necessary or expedient in facilitating its business;

188 (17) To accept loans of any kind from the government of the United States or any agency
189 or instrumentality thereof upon such terms and conditions as the federal government or
190 such agency or instrumentality may require;

191 (18) To accept loans of any kind from the State of Georgia or any agency or
192 instrumentality or political subdivision thereof upon such terms and conditions as the
193 State of Georgia or such agency or instrumentality or political subdivision may require;

194 (19) To borrow money for any of its corporate purposes and to issue revenue bonds
195 payable solely from funds pledged for that purpose and to provide for the payment of the
196 same and for the rights of the holders thereof; provided, however, that the maximum
197 amount of bonded indebtedness that may be outstanding at any given time shall be
198 limited to \$50 million;

199 (20) To exercise any power usually possessed by private corporations performing similar
200 functions, including the power to obtain long-term or short-term loans, to give deeds to
201 secure debt on real property, security agreements on personal property, or any other
202 security agreements, and approve, execute, and deliver appropriate evidence of such
203 indebtedness, provided no such power is in conflict with the Constitution or general laws
204 of this state;

205 (21) To the extent that a contract between the authority and a public or private agency
206 provides therefor, to act as an agent for such public or private agency in any matter
207 coming within the purposes or powers of the authority; and

(22) To do all things necessary or convenient to carry out the powers expressly given in this part.

(n) The exercise of the powers conferred upon the authority in this part shall constitute an essential governmental function for a public purpose and the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of property acquired by it or of buildings erected or acquired by it or any fees, rentals, or other charges for the use of such property or buildings or other income received by the authority. The authority shall be exempt from sales and use taxes on property purchased by or for the use of the authority.

(o) The property of the authority shall not be subject to levy and sale under legal process.

(p) Any action to protect or enforce any rights under the provisions of this part or any suit or action against the authority shall be brought in the Superior Court of Chatham County.

(q) All funds received by the authority pursuant to this part, whether as revenue, rents, fees, charges, or other earnings or as grants, gifts, or other contributions, shall be deemed to be trust funds to be held and applied by the authority solely as provided in this part.

(r) This part and any other law enacted with reference to the authority shall be liberally construed for the accomplishment of its purposes.

(s) Should the authority for any reason be dissolved, title to all property of any kind and nature, real and personal, held by the authority at the time of such dissolution shall be conveyed to the State of Georgia; or title to any such property may be conveyed prior to such dissolution in accordance with provisions which may be made therefor in any resolution or trust instrument relating to such property, subject to any liens, leases, or other encumbrances outstanding against or in respect to said property at the time of such conveyance.

(t) On July 1, 2019, all powers, duties, assets, real and personal property, liabilities, and indebtedness of the Georgia International and Maritime Trade Center Authority created by Georgia Laws 1995, p. 4499, as amended, are transferred to the authority. The authority shall be the successor to the Georgia International and Maritime Trade Center Authority in all contracts entered into by the Georgia International and Maritime Trade Center Authority which are in existence on July 1, 2019, and to all accounts of and debts owed to the Georgia International and Maritime Trade Center Authority that are outstanding on July 1, 2019."

SECTION 2.

242 An Act to create the Georgia International and Maritime Trade Center Authority, approved
243 April 21, 1995 (Ga. L. 1995, p. 4499), and all Acts amendatory thereto are repealed.

244

SECTION 3.

245 This Act shall become effective upon its approval by the Governor or upon its becoming law
246 without such approval for the sole purpose of appointing the initial members of the authority.
247 The Act shall become effective for all other purposes on July 1, 2019.

248

SECTION 4.

249 All laws and parts of laws in conflict with this Act are repealed.